REMARKS

Claims 1-4, 6-14, 16-21 and 23 are pending in the application and stand rejected.

Claims 1-4, 6-8, 17-21 and 23 are hereby canceled by this Amendment without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of these claims in continuing applications.

The objections and rejections below are moot with regard to the canceled claims.

Claim Objections

The Examiner objected to claims 1-4, 6-8, 10, 16 and 18 for various informalities.

Applicant submits the present amendment to claims 10 and 16 obviate this objection.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 13, 14, 17-21 and 23 for being indefinite for failing to particularly point out and distinctly claim the invention.

Applicant submits the present amendment to claim 13 obviates this rejection with regard to claims 13 and 14.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 2, 4, 6-10, 12-14, 16-18, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies (US 2002/0073244) and Moonen (WO 02/09350).

This rejection is moot with regard to canceled claims 1, 2, 4, 6-8, 17-18, 20 and 21.

Independent Claim 9

Applicant submits the applied combination of Davies and Moonen fail to disclose "wherein each of the plurality of controlled devices includes a home network middleware module for communicating with the application server, and an application management module

for installing a new application or managing an already installed application by controlling the application server." (*Office Action*, p. 31-32.).

In the Response to Arguments section of this Office Action, the Examiner alleges:

(1) Moonen is relied on as teaching "an application module for installing a new application or managing an already installed application by controlling the application server;" and

(2) Davies discloses "wherein each of the plurality of controlled devices includes a home network middleware module for communicating with the application server," but does not disclose "wherein each of the plurality of controlled devices includes an application management module for installing a new application or managing an already installed application by controlling the application server."

In view of these disclosures, the Examiner contends that because Davies discloses a controlled device containing various software modules (i.e., APIs), one of ordinary skill in the art would be motivated to incorporate the application management module of Moonen into a controlled device of Davies in order to install applications files downloaded from a central server.

Conversely, Applicant submits the Examiner has failed to establish *prima facie* obviousness. Specifically, while Davies may disclose a controlled device containing various software modules, this in no way provides a reason to include <u>all</u> software modules on the controlled device. Rather, the particular function of the particular software module must be taken into consideration.

Here, the Examiner is relying on a "software component", i.e., the installation manager 122 located on the bridge 118. Moonen discloses that this installation manager 122 merely functions to receive or retrieve information descriptive of newly added devices. (*See* p. 5, line 31 through p. 6, line 1.). However, this information is ultimately loaded on a platform 120 located on bridge 118. (*See* p. 7, lines 4-8). Consequently, there is no basis for including this installation manager on a controlled device. Rather, this installation manager functions to gather information to allow communication via the bridge 118. Also, the information gathered is utilized by the bridge and stored on the bridge 118. There is simply no reason to include the installation manager 122 on a controlled device.

Thus, as there is no reason to include the installation manager 122 on a controlled device, the Examiner's rationale to combine fails. Therefore, the Examiner has failed to establish *prima facie* obviousness.

Additionally, Applicant also notes that the there is no support in Moonen that the installation manager 122 installs a new application or manages an already installed application by controlling the application server. Rather, this installation manager 122 merely receives or retrieves information. No server control is attributed to this device.

Thus, Applicant submits that even if Davies and Moonen could be combined as suggested by the Examiner, the suggested combination fails to disclose all the features recited in claim 9.

Therefore, Applicant submits claim 9 is allowable for at least this reason. Additionally, Applicant submits claims 10-14 and 16 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 3, 11 and 19 stand rejected as being unpatentable over Davies and Moonen, in further view of Motoyama (US 7,058,719).

This rejection is moot as claims 3, 11 and 19 are hereby canceled by this Amendment.

Claim Rejections - 35 U.S.C. § 103(a)

Claim 23 stands rejected as being unpatentable over Davies and Moonen, in further view of the Unix Programmer's Manual.

This rejection is moot as claim 23 is hereby canceled by this Amendment.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111   Attorney Docket No.: Q76049
Application No.: 10/685,407

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

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